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SBN 201913
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Attorneys for Plaintiff
TIMOTHY GARDNER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER,

NO. C10-03410 EMC

Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DATE FOR
SUMMARY JUDGMENT HEARING
AND BRIEFING; AND CONTINUE
CASE MANAGEMENT CONFERENCE**

vs.

CITY OF BERKELEY, DAVID HODGKINS;
DOUG HAMBLETON; ROY MEISNER;
BOBBY MILLER,

Complaint Filed: June 25, 2010
Removed to Federal Court: Aug. 3, 2010

Defendants.

STIPULATION

The parties hereby stipulate through their undersigned counsel that the **non-expert
discovery cut-off be extended as follows:**

The City will depose Plaintiff on October 14, 2011. Plaintiff may depose the following five witnesses, beginning October 17, 2011: David Hodgkins, Doug Hambleton, Dave Frankel, Eric Gustafson and Jen Louis.

The parties also hereby stipulate through their undersigned counsel that the **expert discovery cut-off be extended as follows:**

November 7, 2011: Expert's opening reports

November 21, 2011: Rebuttal reports

December 5, 2011: Expert discovery cut-off.

The parties also stipulate that the hearing for the **Motion for Summary Judgment and the Case Management Conference be continued from December 2, 2011 to December 16, 2011.**

at 1:30 p.m.

Parties propose the following briefing schedule:

November 16, 2011: Defendant's Summary Judgment Motion Filed

November 30, 2011: Plaintiff's Opposition to Summary Judgment Motion Filed

December 7, 2011: Defendant's Reply to Summary Judgment Motion Filed

GOOD CAUSE EXISTS for the stipulation to extend time as follows: Plaintiff's counsel was substituted in less than one week prior to the original discovery cut-off. Plaintiff's previous counsel had failed to comply with Defendant's discovery requests, requests that were necessary for an efficient deposition of plaintiff. Further, Plaintiff's previous counsel had failed to properly notice any depositions prior to the original discovery cut-off. Allowing for limited depositions to be taken after the discovery cut-off; a short extension of expert discovery; and a two-week continuance of the hearing on the motion for summary judgment (with a modified briefing schedule) promotes the interests of justice and will result in no prejudice to any party.

Respectfully submitted:

ZACH COWAN, City Attorney
MARK J. ZEMBSCH, Deputy City Attorney

Dated: October 7, 2011

By: _____/s/
MARK J. ZEMBSCH, Deputy City Attorney
Attorneys for City of Berkeley and David Hodgkins

Respectfully submitted:

BURNS, SCHALDENBRAND & RODRIGUEZ

Dated: October 7, 2011

By: _____/s/_____

EDWARD W. BURNS
Attorney for Plaintiff Timothy Gardner

THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED. (as amended)

DATE: 10/12/11 _____

